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6 Attorneys for Defendant
 7 GATEWAY TITLE COMPANY

8 IN THE UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

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 12 AUDREY McNAMARA NEVIS,) Case No. C 07 2568
 13 Plaintiff,)
 14 v.)
 15 WELLS FARGO BANK, a California)
 16 corporation, EXECUTIVE FINANCIAL)
 16 LENDING, JOHN B. SPEAR, an individual,)
 17 SHAI MOSHE, an individual, GATEWAY)
 17 TITLE COMPANY, QUALITY LOAN)
 18 SERVICES, Trustee and DOES 1-100, inclusive,)
 19 Defendants.)
 19 _____)
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**SUPPLEMENTAL DECLARATION OF
 HELEN V. POWERS IN SUPPORT OF
 MOTION BY DEFENDANT GATEWAY
 TITLE COMPANY TO DISMISS FOR
 FAILURE TO STATE A CLAIM
 PURSUANT TO FEDERAL RULE OF
 CIVIL PROCEDURE RULE 12(b)(6)**

Date: September 10, 2007
 Time: 2:00 p.m.
 Room: 15
 Judge: Hon. Marilyn H. Patel

20 I, HELEN V. POWERS, declare:

21 1. I am an attorney with Bardellini, Straw, Cavin & Bupp, LLP, attorneys of record for
 22 Defendant Gateway Title Company. I am licensed to practice law before all courts in the state of
 23 California. The matters stated herein are of my own knowledge and if called to testify, I could
 24 competently testify thereto.

25 2. I reviewed the escrow file for the transaction whereby Plaintiff Audrey McNamara
 26 Nevis obtained a loan from New Century Mortgage Company in the amount of \$880,000. Attached to
 27 this declaration and incorporated by reference as Exhibit A is a true, correct and complete copy of
 28 New Century Mortgage Company's Lender's Instructions to Closing Agent, including the two

1 addenda thereto.

2 I declare under penalty of perjury under the laws of the State of California that the foregoing is
3 true and correct and that this Declaration was executed on August 27, 2007 at San Ramon, California.
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5 /s/ Helen V. Powers
6 HELEN V. POWERS
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